

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Kyra Yalch Blower,

Plaintiff,

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University of Washington,

Defendant.

CASE NO. 2:10-cv-01506-MJP

**ORDER ON REQUEST FOR FRCP
56(D) CONTINUANCE**

The above-entitled Court, having received and reviewed

1. Defendant's Motion for Summary Judgment (Dkt. No. 23)

2. Plaintiff's Response to Defendant's Motion for Summary Judgment Pursuant to

Fed.R.Civ.P. 56(d) (Dkt. No. 26)

3. Defendant's Reply in Favor of Summary Judgment (Dkt. No. 29).

and all attached declarations and exhibits, makes the following ruling:

IT IS ORDERED that Plaintiff's request for a 60-day continuance to conduct further

discovery before responding is GRANTED. Plaintiff will be given 60 days from the date of this

1 order to conduct whatever discovery she deems necessary to properly respond to Defendant's
2 summary judgment motion.

3 IT IS FURTHER ORDERED that Plaintiff shall file her response to the summary
4 judgment motion by **April 5, 2011**; Defendant's reply shall be due on **April 8, 2011**, and the
5 motion is re-noted for that date.

6 FRCP 56(d) permits the Court to continue a motion for summary judgment upon request
7 of the responding party under certain circumstances:

8 If a nonmovant shows by affidavit or declaration that, for specified reasons, it
9 cannot present facts essential to justify its opposition, the court may:

10 (1) Defer considering the motion or deny it;
11 (2) Allow time to obtain affidavits or declarations or to take discovery; or
12 (3) Issue any other appropriate order.

FRCP 56(d).

13 The Court finds that Plaintiff has articulated sufficient grounds for a 56(d) continuance to
14 conduct discovery "essential to justify [her] opposition," and grants her 60 days from this order
15 in which to undertake that discovery.

16 The clerk is ordered to provide copies of this order to all counsel.

17 Dated January 28, 2011.

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21 Marsha J. Pechman
22 United States District Judge
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